



THE UNIVERSITY *of* EDINBURGH

## Edinburgh Research Explorer

### Pause for Reflection...and Respect

**Citation for published version:**

Laurie, G 2015, 'Pause for Reflection...and Respect', *SCRIPTed*, vol. 12, no. 2, pp. 81.  
<https://doi.org/10.2966/scrip.120215.81>

**Digital Object Identifier (DOI):**

[10.2966/scrip.120215.81](https://doi.org/10.2966/scrip.120215.81)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Publisher's PDF, also known as Version of record

**Published In:**

SCRIPTed

**General rights**

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

**Take down policy**

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact [openaccess@ed.ac.uk](mailto:openaccess@ed.ac.uk) providing details, and we will remove access to the work immediately and investigate your claim.



*Volume 12, Issue 2, September 2015*

## **PAUSE FOR REFLECTION... AND RESPECT**

*Professor Graeme Laurie\**

DOI: 10.2966/scrip.120215.81



© Graeme Laurie 2015. This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/). Please click on the link to read the terms and conditions.

---

\* Professor of Medical Jurisprudence and Founding Director of the JK Mason Institute for Medicine, Life Sciences and the Law in the School of Law, University of Edinburgh

I confess that I sat down to write this editorial under sufferance. Not because I do not believe it to be a worthwhile exercise, and most certainly not because I believe the *SCRIPTed* journal to be anything other than an outstanding contribution to scholarship. Rather, because it was the week before Christmas 2015, I had over-committed (like every other academic), and I was frustrated because I did not know where to start. I was well aware of my commitment to our editors, and I had been mulling over the task for quite some time, but the scholarly muses had not seen fit to grace me with their presence, let alone bestow on me any modicum of inspiration. So, where *does* one start when you do not know where to start? Well, at the very beginning – of course.

As the homepage of the journal relates in only the most cursory fashion, *SCRIPTed* emerged as part of the vision for a Centre for Intellectual Property and Technology Law that began in 1998 when four of us – Lilian Edwards, Graeme Laurie, Hector MacQueen, and Charlotte Waelde – decided to combine our common research interests in establishing a research community that would explore the relationship between law and technologies in the broadest sense. From the very beginning, we saw this as an inclusive club and we aspired to the objective that it inspire colleagues at all stages of their careers and with interests related in any ways to the broad intellectual church that we sought to build. We were assisted considerably in all of this by generous funding from the Arts and Humanities Research Board (AHRB, as was) – now the AHRC – from 2002-2012, and I was fortunate to serve first as a Co-Director, and then Director, of the Centre until succeeded by my colleague, Burkhard Schafer, in 2011.

*SCRIPTed* was born early in this timeframe; and from the very start we saw it as a perfect vehicle to bring together our interest in new technologies – promoting an open access, multi-lingual, online journal – and our commitment to academic capacity building to support our postgraduates to run and manage this endeavor in ways that *they* saw fit and always with quality scholarship as the guiding force. Since that time, however, I have not had the occasion to pause to reflect on how far we – or rather *they* – have come. The invitation to write this editorial has provided me with such an occasion and I have found it a humbling experience.

By going back to the beginning – starting with the very first editorial by Hector MacQueen in 2004 – I have sought to trace what *SCRIPTed* has done and what it has become. The opus is so considerable, however, that I cannot do it justice in this short editorial. I therefore focus here on my own fields of interest – medical law and medical technologies – to offer some insights into the extensive contributions that our authors and editors have made in the ten-plus years since *SCRIPTed* was launched. My colleague Burkhard Schafer has complementary research interests to my own, and I am confident that his editorial will do equal justice to the other fields to which *SCRIPTed* issues have contributed over the years.

In his editorial in the first issue (1:1), Hector MacQueen played with key terms from intellectual property to lay out our aspirations for this new journal in an already-crowded field of online publications. Thus, *inter alia*, he wrote of our ambition for the journal to be *new, inventive, non-obvious*, replete with *skill & labour, capable of distinguishing itself*, and focusing on *public policy* and *public interest*. As the following sections demonstrate, our editors have delivered admirably on every one of these aspirations. This account offers very tangible evidence of a young and dynamic

community producing and managing academic and policy contributions at the highest level.

The first editorial team was able to persuade the Edinburgh doyen of medical law and ethics, JK Mason, to write on international developments in wrongful birth actions, comparing Australia and the UK (1:1). This helped to set an international tone that has endured throughout the lifecycle of the journal. In that time, for example, we have also had contributions on medical law and research regulation in Korea (Harmon and Kim, 5:2 and 5:3), transnational considerations regarding stem cells (Isasi and Knoppers, 7:2), and the ethical management of genetic research results in Japan (Minari, Chalmers and Kato, 11:2). We have also discharged our commitment to publish in languages other than English, including French, Portuguese, and Spanish.

In public policy terms, the contributions from *SCRIPTed* have been considerable, both in the medico-legal domain and at the interface between areas that typified the work of the AHRC/SCRIPT Centre and which remain true of SCRIPT today. Examples include: commentary from Ruth Chadwick on the Human Genome Organization's Ethics Committee after its first decade of work (now some ten years ago, in 2:2), and John Howkins' contribution on the *Adelphi Charter* promoting public interest considerations in intellectual property protection (2:4). The AHRC/SCRIPT Centre also contributed directly to policy work through its own research programme as demonstrated by its Open Letter on the Gowers Review (3:2), and reports on research projects that included the prospect of an integrated electronic health record for Scotland (Gertz, 4:1 – leading to extensive involvement in the Wellcome Trust's Scottish Health Informatics Programme (SHIP): <http://www.scot-ship.ac.uk/>), and the separately-funded AHRC Banking on the Brain initiative (Harmon, 9:3).

Disciplinary trends and key milestones are also revealed by this brief excursion into the last 10 years of *SCRIPTed* publications. For one thing, the 'regulatory turn' in scholarship and policy attention has been a marked feature of our own research agenda, just as it has occupied notable names in the field who we have welcomed as visitors. Examples here include Brownsword's engagement with regulatory paradigms in issue 3:1, and Taylor's double contribution on privacy and legal inadequacies, first on genetic privacy (3:1 and leading to a major Cambridge University Press monograph), and more recently in response to the *care.data* debacle in England (11:1). This last contribution equally reflected the theme of public interest as a running feature of *SCRIPTed* work; this is also demonstrated by home-grown contributions, such as that from Black and Stevens on proportionality and public interest in data protection (10:1).

A further emerging trend relates to information more generally. While a stalwart feature of *SCRIPTed* has been privacy from a multitude of facets, in the medico-legal sphere particular concerns have manifested around the management of the tsunami of information generated by biobanks, especially with respect to the return of clinically-relevant results (Knoppers and Kharaboyan, 6:3), the impact of medical imaging on clinical and patient care (Caulfield et al 7:3, and Sprooten et al, 8:2), and the nature of 'decision' in light of ever-more available information at the end of life (de Vries and Francot, 6:3).

The focus of the journal itself has also shifted in this time. This is most notable with the assumption of editorship by Abel and Harmon (4:4) that brought about two major

changes. First, it signaled our growing recognition of the importance of arts and ethics in giving expression to socio-technical issues, as illustrated (pardon the pun) by a series of new and dynamic covers for each journal issue. Secondly, the remit of the journal was extended to include Society; this was also a reflection of the team's commitment to interdisciplinary research. A perfect example of this expansion is Andersen and Hoeyer's article on the role of the general public in life science governance (6:3).

When AHRC funding came to an end in 2012, it was agreed that the medical law and ethics dimension of the work of *SCRIPT* had sufficient momentum to generate a new entity – the Mason Institute – and to allow *SCRIPT* to focus its efforts exclusively on intellectual property and information technology law. Notwithstanding, the common commitment to *SCRIPTed* has remained as a genuinely cross-cutting, student-led, non-obvious, and innovative initiative.

All of us who have been involved in, and benefitted from, *SCRIPTed* owe a tremendous debt of gratitude to the student teams who have led the journal through its various stages of evolution. Despite my initial lethargy about approaching this editorial, I am now particularly grateful to the current editors for affording me the opportunity to reflect precisely on what has been achieved over the years. I have always been aware of the challenges of keeping the journal going, especially in the year-to-year recruitment round of new board members that the exiting editorial team undertakes with such diligence. It had not struck me until now, however, how much *SCRIPTed* is a legacy platform – with postgraduates passing the torch of responsibility and quality from one team to the next, and always in precarious circumstances of funding and the vagaries of the multiple demands of modern academic life. *SCRIPTed* is an outstanding achievement. It deserves the respect of all who have taken the time to read this editorial and all of those who can continue to profit from its contributions.

**Graeme Laurie**  
**December 2015**